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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 Erlinda Puno,

11 Plaintiff,

12 v.

13 National Consumer Telecom & Utilities
Exchange, Inc.,

14 Defendant.

Case No.: 2:24-cv-00772

**Complaint for Damages Pursuant to
the Fair Credit Reporting Act, 15
U.S.C. §1681, et seq.**

Jury Trial Demanded

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Introduction

1. The United States Congress has found the banking system is dependent up-on fair and accurate credit reporting. Inaccurate credit reports directly impair the efficiency of the banking system, and unfair credit reporting methods undermine the public confidence, which is essential to the continued functioning of the banking system. Congress enacted the Fair Credit Reporting Act, 15 U.S.C. § 1681 et seq. ("FCRA"), to ensure fair and accurate re-porting, promote efficiency in the banking system, and protect consumer privacy. The FCRA seeks to ensure consumer reporting agencies exercise their grave responsibilities with fairness, impartiality, and a respect for the consumer's right to privacy because consumer reporting agencies have assumed such a vital role in assembling and evaluating consumer credit and other information on consumers. The FCRA also imposes duties on the sources that provide credit information to credit reporting agencies, called "furnishers."
2. The FCRA protects consumers through a tightly wound set of procedural protections from the material risk of harms that otherwise flow from inaccurate reporting. Thus, through the FCRA, Congress struck a balance between the credit industry's desire to base credit decisions on accurate information, and consumers' substantive right to protection from damage to reputation, shame, mortification, and the emotional distress that naturally follows from inaccurate reporting of a consumer's fidelity to his or her financial obligations.
3. Erlinda Puno ("Plaintiff"), by counsel, brings this action to challenge the actions of National Consumer Telecom & Utilities Exchange, Inc. ("NCTUE" or "Defendant") with regard to Defendant's failure to furnish a copy of Plaintiff's consumer report.
4. Plaintiff makes these allegations on information and belief, with the exception of those allegations that pertain to Plaintiff, which Plaintiff alleges on personal knowledge.

1 5. While many violations are described below with specificity, this Complaint alleges
2 violations of the statutes cited in their entirety.

3 6. Unless otherwise stated, all the conduct engaged in by Defendant took place in
4 Nevada.

5 7. Any violations by Defendant were knowing, willful, and intentional, and
6 Defendant did not maintain procedures reasonably adapted to avoid any such
7 violations.

8 8. Defendant failed to furnish a copy of Plaintiff's consumer report, causing harm to
9 Plaintiff.

10 **Jurisdiction and Venue**

11 9. Jurisdiction of this Court arises pursuant to 28 U.S.C. § 1331 (federal question
12 jurisdiction); 15 U.S.C. § 1681.

13 10. This action arises out of Defendant's violations of the FCRA.

14 11. Venue is proper in the United States District Court for the District of Nevada
15 pursuant to 28 U.S.C. § 1391(b) because Plaintiff is a resident of Clark County,
16 Nevada and because Defendant is subject to personal jurisdiction in Clark
17 County, Nevada as it conducts business here. Venue is also proper because the
18 conduct giving rise to this action occurred in Nevada. 28 U.S.C. § 1391(b)(2).

19 **Parties**

20 12. Plaintiff is a natural person living in Clark County, Nevada. In addition, Plaintiff
21 is a "consumer" as that term is defined by 15 U.S.C. § 1681a(c).

22 13. Defendant is a corporation doing business in the State of Nevada.

23 14. Defendant regularly assembles and/or evaluates consumer credit information for
24 the purpose of furnishing consumer reports to third parties and uses interstate
commerce to prepare and/or furnish the reports. This entity is a "consumer
reporting agency" as that term is defined by 15 U.S.C. § 1681a(f).

15. Unless otherwise indicated, the use of Defendant's names in this Complaint
includes all agents, employees, officers, members, directors, heirs, successors,

1 assigns, principals, trustees, sureties, subrogees, representatives, and insurers of
2 the named Defendant.

3 **NCTUE Failed to Provide Consumer Information**

4 16. On or around July 14, 2023, Plaintiff requested a consumer report from NCTUE
pursuant to 15 U.S.C. § 1681g.

5 17. Specifically, Plaintiff sent a letter, certified, return receipt, to NCTUE, requesting
6 a copy of Plaintiff's consumer report. Plaintiff's letter included Plaintiff's social
7 security number, date of birth, a copy of Plaintiff's Nevada Driver License, and
8 Plaintiff's current mailing address. The request included all of the information
9 that NCTUE needed to identify Plaintiff and comply with the FCRA.

10 18. On or about July 27, 2023, NCTUE responded to Plaintiff with a request for
11 information that Plaintiff had already provided, including Plaintiff's name,
address, social security number, and date of birth.

12 19. Plaintiff's continued efforts to obtain Plaintiff's consumer report, pursuant to 15
13 U.S.C. § 1681g, were fruitless.

14 20. NCTUE's failure to provide Plaintiff's consumer report and disclosures was
15 knowing and willful because NCTUE received Plaintiff's continued requests and
16 all the information necessary to comply with 15 U.S.C. § 1681g, but NCTUE
17 failed to provide Plaintiff's consumer report. Plaintiff is, accordingly, eligible
for statutory damages.

18 21. Also, as a result of NCTUE's failure to provide Plaintiff's consumer report,
19 Plaintiff has suffered actual damages, including without limitation, fear of credit
20 denials because of Plaintiff's inability to review consumer information, out-of-
21 pocket expenses for the time and mailing of multiple requests, and emotional
22 distress. Moreover, because NCTUE failed to provide Plaintiff's 1681g
23 disclosures, Plaintiff was unable to adequately opt out of certain disclosures to
24 other parties and ensure fair and accurate reporting of Plaintiff's credit
information. Plaintiff suffered emotional distress and mental anguish as a result

of NCTUE's actions described herein. Plaintiff further suffered anger, anxiety, feelings of helplessness, humiliation, and embarrassment after repeatedly being denied the right to review Plaintiff's 1681g disclosures.

22. By failure to provide Plaintiff's consumer report and disclosures, NCTUE failed to take the appropriate measures as required under 15 U.S.C. § 1681g.

Plaintiff's damages

23. Plaintiff suffered emotional distress and mental anguish as a result of Defendant's actions described herein. In addition, Plaintiff incurred out-of-pocket costs and time in attempts to dispute Defendant's actions. Plaintiff further suffered humiliation and embarrassment.

Violation of the Fair Credit Reporting Act

15 U.S.C. § 1681

24. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.
25. The foregoing acts and omissions constitute numerous and multiple willful, reckless, or negligent violations of the FCRA, 15 U.S.C § 1681, et seq.
26. As a result of each and every willful violation of the FCRA, Plaintiff is entitled to actual damages as the Court may allow pursuant to 15 U.S.C. § 1681n(a)(1); statutory damages pursuant to 15 U.S.C. § 1681n(a)(1); punitive damages as the Court may allow pursuant to 15 U.S.C. § 1681n(a)(2); and reasonable attorney's fees and costs pursuant to 15 U.S.C. § 1681n(a)(3) from Defendant.
27. As a result of each and every negligent noncompliance of the FCRA, Plaintiff is entitled to actual damages as the Court may allow pursuant to 15 U.S.C. § 1681o(a)(1); and reasonable attorney's fees and costs pursuant to 15 U.S.C. § 1681o(a)(2) from Defendant.

Prayer for relief

28. Plaintiff prays that judgment be entered against Defendant, and Plaintiff be awarded damages from Defendant, as follows:

- An award of actual damages pursuant to 15 U.S.C. § 1681n(a)(1);
- An award of statutory damages pursuant to 15 U.S.C. § 1681n(a)(1);
- An award of punitive damages as the Court may allow pursuant to 15 U.S.C. § 1681n(a)(2);
- An award of costs of litigation and reasonable attorney's fees, pursuant to 15 U.S.C. § 1681n(a)(3), and 15 U.S.C. § 1681(o)(a)(1); and
- Any other relief that this Court deems just and proper.

Jury Demand

29. Pursuant to the Seventh Amendment to the Constitution of the United States of America, Plaintiff is entitled to, and demands, a trial by jury.

Dated: April 22, 2024.

Respectfully submitted,

FREEDOM LAW FIRM

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